

FAQs About IDEA 2004

Transfer Student Documentation

What must the new school district do when an IDEA-eligible student enrolls with a current IEP?

The new school district is required to continue to provide a free appropriate public education, including providing services that are comparable to those services in the student's pre-existing IEP. The new school district may choose to implement the pre-existing IEP, amend the pre-existing IEP or develop a new IEP. This decision can be documented using the Student Transfer form. Any changes made to the pre-existing IEP can be documented using the IEP Amendment form.

If the new school district does not implement the pre-existing IEP, but chooses to amend it or develop a new IEP, it must work with the parents to develop an IEP within a short period of time (normally within one week).

What if the parent or the new school district believes the pre-existing IEP is not appropriate?

The new school district must continue to provide a free appropriate public education, including providing services comparable to those services in the student's pre-existing IEP. The school district must either amend the pre-existing IEP or develop a new IEP within a short period of time (normally within one week). The IEP Amendment form may be used to amend the pre-existing IEP.

What if the student has an IEP which is more than 12 months old?

The school district must continue to provide a free appropriate public education, including providing services that are comparable to those services in the student's pre-existing IEP. Documenting the implementation of this IEP can be done by using the "Student Transfer Form." The district must review the IEP within a short time (normally within one week) after receiving a copy of the student's pre-existing IEP and develop an annual IEP for the student.

The IEP Amendment form cannot be used to amend an IEP in this instance since the district must complete an annual review of the student's Individualized Education Program.-

When an IDEA-eligible student moves to Montana from another state are there additional requirements?

Because definitions of disability and eligibility vary from state to state, the Montana school district must also determine whether the student would meet the Montana criteria to qualify or continue to qualify as a student who is eligible for and needs special education services. This could be done through the CST or IEP process. This determination could be documented through the CST or IEP process or the Student Transfer form.

The Montana school district may require the student to be evaluated to determine whether the student is eligible to be identified as a student with a disability under Montana's administrative rules. If the out-of-state evaluation is questioned by the Montana district, a new evaluation must be conducted without undue delay.

What if a student moves to a new school district and has a CST or other documentation of IDEA eligibility, but does not have an IEP?

If the new school is unable to obtain a copy of the student's IEP within a short period of time (normally one week) the new school district must develop a new IEP.

What if a student enrolls and the parent states that the student has received special education services, but there is no documentation of eligibility available (no CST or IEP)?

A transfer student is considered to be a regular education student until the district has knowledge that the student is IDEA eligible and needs an IEP. The district is not considered to have knowledge that the child is IDEA eligible until it receives documentation of the student's eligibility under IDEA.

The district may not place a student in special education services without documentation of eligibility. The district and parent may choose to begin the prereferral process.

The reauthorized Individuals with Disabilities Education Act (IDEA) became effective on July 1, 2005. This list of Frequently Asked Questions (FAQ) sheet is one of a series from the Montana Office of Public Instruction which highlight changes resulting from the reauthorization of the IDEA. Additional changes may result from the final regulations.

If you have further questions, please contact your local special education director or the Montana Office of Public Instruction. A complete listing of current OPI IDEA FAQs can be found at www.opi.state.mt.us/speced.



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